

I don't know your mailing address
no. William A. Brown's. What is same?
1-10-05

Joseph Marion Head junior, Reg. No. 17549-056
N-2 Cell 219 - Z, M. C. Devens
Post office Box 879
Ayer, Massachusetts - 01432
Ann H. Zgrodnik, Esq.
Attorney At law
Boston - Massachusetts
Miss Zgrodnik

See and apply each and all of Head's
claims, grounds etc within the
prison and court records as to Head's
State and Federal Court Cases and
Etc. legal matters. 18 U.S.C. 4245 (d)

Reference to my State case 74 CR 2403 - 74 CR 2403A

Moreover, consent need not be actually
and objectively present. If government
failed to prove that the defendant did
not have reasonable grounds to believe
that the complainant consented, The
jury must Acquit Defendant,
See, Davis v United States, 613 A. 2d, 906,
908-912 (D.C. 1992) jury should be
informed that it may acquit if it
concludes that defendant has reason
able grounds to believe complainant
consented.

See transcripts of trial and records
on appeals as to Head's testimony
and Griffens testimony and her
statements to police.

Ann H. Gronnick, Esq., Attorney At law
file the Motion Statute in 18 U. S. C. 4247(1) and
Demand a Certificate be filed as stated in
18 U.S.C. 4247(c) or Reasons why same
is not filed at this time and prior, be filed
to the Court legal post of said reasons etc.
~~and file a letter from the
28 U.S.C. 2201(3) state
Do all the above for me it's
done, etc., Lawyer.~~

BP-S148.055 INMATE REQUEST TO STAFF CDFRM Director, B. O. P. and Staff
SEP 98 U. S. A.
U. S. DEPARTMENT OF JUSTICE Attorneys General FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member)	DATE:
Director, Warden, Ass. Warden Joseph Marion Head Jr.	1-11-05
FROM:	REGISTER NO.:
	17549-056
WORK ASSIGNMENT:	UNIT:
Ed. ORD	N-2 Cell 219

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

28 U.S.C. 2255

Re: U.S.A. (vs) Head - Judgment of Acquittal Required in prior State Conviction 74 CR 2403 - 74 CR 2403A
The alleged victim could not be proven to have not consented to sex and oral sex. She made factual statement to the police in which she related her intent to commit perjury etc. to convict. Said statement was read in open court at the trials. The convictions was obtained based on perjured testimony or testimony not proven to be not perjured testimony which had to be proven in order for the convictions to be legal and valid. (Do not write below this line)

DISPOSITION: Moreover, consent need not be actually and objectively present. If the government failed to prove that the defendant did not have reasonable grounds to believe that the complainant consented, the jury must acquit the defendant, see *Davis v United States*, ~~613 A.2d 906, 908-197~~ (D.C. 1992) jury should be informed that it may acquit if it concludes that defendant had a reasonable grounds to believe complainant consented.

See and Apply all other claims, grounds, etc of Head's etc otherwise, legal marriage, included as aforesaid not apply

Signature Staff Member

Date

Filed 12/06/2004

Filed 12/06/2004

Page 4 of 11

Joseph Missionary Center
P.O. Box 17549-056
Unit - N - 2 cell 219
Post Office Box 879
Plym, Massachusetts 01439

To: Ann H
Attorney
a/b
Tawo, (L
United St
1 count no

Legal Mail

10281-RGS Document 11 Filed 12/06/2004

Boston - Massachusetts

49-056

See 219

Walter Duncans
Box 879
Massachusetts 01432

DATE: 2/6/69
PM: 10:00
AM: 9:00
TO: [REDACTED]
FROM: [REDACTED]
SUBJECT: [REDACTED]
RE: [REDACTED]

Information

Mr. Ann H. Zwick

Attorney At Law

1000 U. S. 1. Medical Center

United States District Court, Massachusetts

1 Courthouse Way - Suite 2300

Boston - Massachusetts

02210

RE: The enclosed letter was processed through special mailing procedures forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has justification, you may wish to return the letter to the writer and encloses correspondence to [REDACTED] (return to the envelope to [REDACTED])

Nauro, U. S. D. Lt. ~~Medical Center~~
United States District ~~Massachusetts~~
Courtthouse Way - Suite 2300
Boston - Massachusetts

100

**MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

(If movant has a sentence to be served in the future under a federal judgment which he or she wishes to attack, the movant should file a motion in the federal court which entered the judgment.)

MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Explanation and Instructions—Read Carefully

- (1) This motion must be legibly handwritten or typewritten, and signed by the movant under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt, motion will be filed if it is in proper order. No fee is required within this motion.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different judges or divisions either in the same district or in different districts, you must file separate motions as to each such judgment.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the motion you file seeking relief from any judgment of conviction.
- (7) When the motion is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is
- (8) Motions which do not conform to these instructions will be returned with a notation as to the deficiency.

Motion For Appointment of Counsel

18 U.S.C. 30006 A and sub sec. 1

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

Wherefore, movant prays that the Court grant petitioner relief to which he or she may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

(Date)

Signature of Movant

PETITION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

AO 243 (Rev. 2/95)

UNITED STATES DISTRICT COURT		District _____	
Name of Movant _____		Prisoner No. _____	Case No. _____
Place of Confinement _____			
UNITED STATES OF AMERICA		V. (name under which convicted) _____	
MOTION			
<p>1. Name and location of court which entered the judgment of conviction under attack _____ _____ _____</p> <p>2. Date of judgment of conviction _____ _____</p> <p>3. Length of sentence _____ _____</p> <p>4. Nature of offense involved (all counts) _____ _____ _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>5. What was your plea? (Check one)</p> <p>(a) Not guilty <input type="checkbox"/></p> <p>(b) Guilty <input type="checkbox"/></p> <p>(c) Nolo contendere <input type="checkbox"/></p> <p>If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details: _____ _____ _____</p>			
<p>6. If you pleaded not guilty, what kind of trial did you have? (Check one)</p> <p>(a) Jury <input type="checkbox"/></p> <p>(b) Judge only <input type="checkbox"/></p>			
<p>7. Did you testify at the trial? Yes <input type="checkbox"/> No <input type="checkbox"/></p>			
<p>8. Did you appeal from the judgment of conviction? Yes <input type="checkbox"/> No <input type="checkbox"/></p>			

D.

Ground four: (h) listed above, as applies to what was and was not presented on the appeal and why.

Supporting FACTS (state *briefly* without citing cases or law) _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: _____

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

(c) At trial _____

(d) At sentencing _____

9. If you did appeal, answer the following:

(a) Name of court _____

(b) Result _____

(c) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: The sentence is illegal and excessive, the upward departure is illegal.

Supporting FACTS (state briefly without citing cases or law)

Title 21 U.S.C. S. 851 and sub sec. 7 was not applied in Head's federal cases in the District Court nor on appeal nor cert. therefore, why? Head's state charges and convictions was and is illegal or unconstitutional, see all ct. and prison Rec.

B. Ground two: (f) above listed as relates and applies to the Fed. and State cases of Head.

Supporting FACTS (state briefly without citing cases or law)

C. Ground three: (I) listed above, as applies to the State and Fed. cases of Head and etc relating thereto

Supporting FACTS (state briefly without citing cases or law)

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Did you receive an e-mail?

(5) Result

(6) Date of result

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application

or motion?
(1) First petition, etc. Yes No
(2) Second petition, etc. Yes No

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by use of coerced confession.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America | Case No. _____
vs | civil commitment
Joseph Marion Head junior | 18 U.S.C. 4245
Respondent |

Motion For An Evidentiary Hearing Pursuant
To 18 U.S.C. 4247d, U.S. Const. Amend. 1, 4, 5,
8, 14 and Human Rights As Relates And Applies
Hereto and Thereto The Aforesaid Commitment
and Movant Hereof Relating Thereto.

Now Comes, Joseph Marion Head junior, Reg. No.
17549-056, who is the respondent in the
above entitled cause and is the movant
herein, who himself pro se, respectfully
moves this court for an evidentiary hearing
pursuant to 18 U.S.C. 4247d, etc. aforesaid,

This court is referred to the court records
as to the commitment of movant and etc.
relating thereto, prior and present as is
related of court records.

Movant contends and asserts that his

(16)

What could have and should have you done prior to effectively and competently represent Mr. Head, that you did not do? What your reasons is and was for not doing it, prior and present?

(17)

Was Mr. Head's rights or privileges or Human Rights Violated in any way to your knowledge? If so, Which, How, Where, When, Why, By Who or What and What relief must be legally ordered to Mr. Head because of same and relating thereto? Who or What must pay or order said relief? When, Where, How, Why, Etc.?

(18)

See the Annual Case Summary For Court Dated 10-12-04 signed by Doctor Thompson at F.M.C. Devens, Relating to Mr. Head. What else has Doctor Thompson Wrote, Signed, Etc., Testified, Judged, Etc. relating to Mr. Head, prior and present, etc. to exclude as to civil action Mr. Head sent to the Courts against Doctor Thompson and Other Staff at F.M.C. Devens. What did they do, say, write, etc. relating to Mr. Head, When, Where, How, Why, Etc.?

Signed Joseph Marion Head junior 17549-056 (12-4/04)

United States District Court
For the District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America Petitioner	Civil Commitment 18 U.S.C. 2245, No.
VS Joseph Marion Head Reg. No. 17549-056 Respondent	And Re: 18 U.S.C. 4247(D) (e)(f) and (g), (a), (b) (c)

Motion For The Court To Advise Court
Appointed Attorney William Brown of His
Rights And Then Order Him File Type
Written Answers To The Questions Asked
Herein And Or His Reasons For Not So
Answering Said Questions Under Oath.

QUESTIONS

(1)

Did Mr. Head ever ask or tell you to
withdrawal from his case? If so, When
, Where, How, Why, Who Heard Same Said?
If so, Why did you not withdraw from his
case? Did your reasons for not withdrawing
and by you not withdrawing from his case
, violate any of Mr. Head's Rights Or Privileges
Or Human Rights? If so, Which and How? If Not, How Not?

Have you ever read Mr. Head's State and Federal Prison and Court Records? If so, when? If not, why not?

(12)

Who was that female lawyer with you each time you visited Mr. Head and was with you in Court? What is Her Name and business address? Why was she with you each time?

(13)

What records and transcripts do you have and or can obtain for Mr. Head Personal records of same and for his lawful usage of same? When will you provide Mr. Head said records? Why didn't you provide Mr. Head said records prior?

(14)

Why didn't you represent Mr. Head's State and Federal Court Cases and legal claims and grounds, in an effort to obtain Mr. Head liberty to him and other relief, civil, tort, domestic, etc?

(15)

What can and can't you do at this time and hereinafter to assist and represent Mr. Head and why? Why Not Prior Hereto?

(2)

Did Mr. Head Make Oral Motion to the Judge for Your Removal As His Court Appointed Attorney? If so, when, where, how, why and what judgment of the judge was entered to said motion by Mr. Head?

(3)

What did you do in order to prepare to represent Mr. Head Effectively and Competently?

(4)

What did you do, in an effort to effectively and competently represent Mr. Head?

(5)

What was your reasons for not presenting any evidence nor witnesses in Mr. Head's favor at the Hearing in Federal District Court in Boston, Massachusetts? Further what was your reasons for not allowing Mr. Head to testify in his own behalf at the aforesaid Hearings?

(6)

What was your reasons for not advising Mr. Head of his legal rights to appeal and how, when, where, to appeal and his rights to counsel for an appeal?

(7)

What is your reasons for not providing Mr. Head with a copy of all records and transcripts, etc. relating to his State and Federal Court cases and Prison Records, without cost to him for same? So that Mr. Head could have assisted you and in his defense?

(8)

What was your reasons for not obtaining a copy of all court and prison records your self to use to prepare Mr. Head's defense and to use to effectively and competently represent Mr. Head?

(9)

What motions etc. did you file and represent on behalf of Mr. Head? When Where, How, Why? What was the judgments and orders of the court as to each of same?

(10)

What motions etc. did the Gov. Attorney file relating to Mr. Head? When, Where, How, Why, When did you receive a copy of same and what judgments, orders was entered thereto each of same, by the judge?

(11)

United States District Court
for the Western District of North Carolina
Asheville Division
309 United States Courthouse Building
100 Otis Street
Asheville - North Carolina - 28801

Joseph Marion Head junior
Reg. No. 17549-056
Plaintiff

COURT
CASES
P-250
civil Action Case No.

United States of America
And The Employee's
Thereof, Liable Herein
Defendants

Complaint - In Forma Pauperis
Jurisdiction

The Court has jurisdiction herein pursuant
to the provisions of laws and constitution
of the United States of America which legal
ly applies hereto and which may be legally
applied hereto.

Plaintiff

Plaintiff herein is, Joseph Marion Head
junior, Reg. No. 17549-056, who is a
Caucasian male born on December 2nd.
1946 in Gastonia - North Carolina of the
United States of America and is presently
housed in N-2 Cell 219 of Federal Medi-



All Transactions

Inmate Reg #: 17549056 Current Institution: Devens FMC
 Inmate Name: HEAD, JOSEPH Housing Unit: N SOMP
 Report Date: 12/09/2004 Living Quarters: N02-219U
 Report Time: 8:45:14 AM

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
12/7/2004 12:28:26 PM	DEV3009	Sales	(\$29.60)	48		\$0.70
12/6/2004 9:06:36 AM	DEV2007	Payroll - IPP	\$21.92	5JV021		\$30.30
11/30/2004 5:36:14 PM	DEV3002	Sales	(\$42.15)	59		\$8.38
11/30/2004 5:31:03 AM	AMSERVICE	Lockbox - CD	\$50.00	70121005		\$50.53
11/9/2004 12:23:51 PM	DEV3008	Sales	(\$40.35)	35		\$0.53
11/5/2004 9:39:14 AM	DEV2007	Payroll - IPP	\$19.76	5JV004		\$40.88
10/20/2004 1:32:03 PM	DEV2007	Local Collections	\$20.00	1055		\$21.12
10/5/2004 12:17:32 PM	DEV3009	Sales	(\$21.25)	39		\$1.12
10/5/2004 10:03:00 AM	DEV2007	Payroll - IPP	\$22.28	4JV157		\$22.37
9/15/2004 11:59:42 AM	DEV3009	Sales	(\$3.10)	29		\$0.09
9/9/2004 12:22:58 PM	DEV3002	Sales	(\$21.85)	51		\$3.19
9/8/2004 7:59:53 AM	DEV2007	Payroll - IPP	\$25.04	4JV146		\$25.04
8/18/2004 6:14:32 PM	DEV3002	Sales	(\$1.11)	63		\$0.00
8/11/2004 12:08:03 PM	DEV3009	Sales	(\$19.81)	36		\$1.11
8/5/2004 7:07:54 AM	DEV2004	Payroll - IPP	\$20.84	4JV132		\$20.92
7/9/2004 12:12:45 PM	DEV3002	Sales	(\$23.00)	34		\$0.08
7/6/2004 8:56:57 AM	DEV2007	Payroll - IPP	\$23.00	4JV117		\$23.08
6/10/2004 12:18:51 PM	DEV3007	Sales	(\$17.50)	47		\$0.08
6/7/2004 8:13:23 AM	DEV2007	Payroll - IPP	\$17.24	4JV102		\$17.58
6/3/2004 12:06:36 PM	DEV3006	Sales	(\$40.40)	31		\$0.34
5/24/2004 7:17:08 AM	DEV2007	Photo Copies	(\$9.30)	4JV108		\$40.74
5/20/2004 12:08:01 PM	DEV3006	Sales	\$0.00	38		\$50.04
5/13/2004 1:06:11 PM	DEV3007	Sales	(\$20.02)	84		\$50.04
5/13/2004 12:59:57 PM	DEV3007	Sales	\$0.00	80		\$70.06
5/10/2004 2:27:56 PM	DEV2007	Local Collections	\$50.00	14466		\$70.06
4/26/2004 11:50:27 AM	DEV3006	Sales	\$0.00	17		\$20.06
4/22/2004 3:07:49 PM	DEV2005	Local Collections	\$20.00	13344		\$20.06
4/15/2004 2:01:13 PM	DEV3006	Sales	\$0.00	102		\$0.06
4/8/2004 2:02:50 PM	DEV3006	Sales	\$0.00	55		\$0.06
3/25/2004 1:55:39 PM	DEV3002	Sales	\$0.00	94		\$0.06
3/18/2004 1:43:19 PM	DEV3006	Sales	\$0.00	69		\$0.06
3/11/2004 1:17:07 PM	DEV3006	Sales	(\$20.30)	71		\$0.06

1

STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 7 day of Dec., 2004.

Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: N-2 - Cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes

No *See Prison Cop Outs*

(1) If your answer to "a" above is yes, what was the result? *N/A - See Prison Records*

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes

No *See Prison Cop Outs*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A - See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *N/A - See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

18 U.S.C. 2245 Commitment and etc. relating thereto. See all prison and court records relating to same and see all staff and Federal Prison and Court records relating to petitions, prior and present and all related and asserted and demanded therein and relating thereto; see also all cop outs relating to the aforesaid. And see the records of the Inter American Commission and Court on Human Rights. Any all other known Records etc. relating to the aforesaid.

UNITED STATES DISTRICT COURT

Boston, Ma. and Western District of North Carolina
 Joseph Marion Head Jr.
 Reg. No. 17549-056

Plaintiff

U.S.A. And v. U.S.A. Att. Gen.
 David L. Winn - Warden
 F.M.C. Devens

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Joseph Marion Head Jr. declare that I am the (check appropriate box)
 petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. herewith

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.M.C. Devens

Are you employed at the institution? YES Do you receive any payment from the

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. F.M.C. Devens, Ed. Dept., Amount about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

7. Indictment or case number, if known: N/A - See Court Records

8. Offense or Offenses for which sentence was imposed: Mail Threatening Communications
Attempt to Extortion

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records

10. When was a finding of guilt made? (Check one)
 After a plea of guilty
 After a plea of not guilty *and plea insanity*
 After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:
 A jury
 A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

- Name of court: United States Court of Appeals - Fourth Circuit
- Result: N/A - See Court Records
- Date of result: N/A - See Court Records
- Citation or number of opinion: N/A - See Court Records
- Grounds raised: (List each one)
N/A - See Court Records

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE Boston - Ma. and Asheville, N.C.

Joseph Marion Head, Jr.
Petitioner

Reg. No. 17549-056 - J. M. C. Devens
Post Office Box 879
Ayer - Massachusetts - 01432
(Full name under which you were convicted;
Prison Number; Full Mailing Address).

vs. U.S. A. And David L. Winn
Warden - J. M. C. Devens

CIVIL ACTION NO. _____

United States Attorney General
Respondent(s)

U.S. Dept. of Justice
Washington, D.C. 20543

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction

A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).

Jail or prison conditions

Prison discipline issue

A parole problem

Other. State briefly: Illegal or Unconstitutional Custody By Court
order of Federal judge Relating To convictions, Sentences
Commitments and further commitments 18 U.S.C. 2245,
2247(d) etc. as applied.

2. Place of detention: N-2 - Cell 219 - J. M. C. Devens - Post office
Box 879 - Ayer - Massachusetts, 01432

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE *Boston - Ma. and Asheville, N.C.*

Joseph Marion Head, Jr.
Petitioner

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Post Office Box 879

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(Full name under which you were convicted;
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vs. U.S.A. And David L. Winn
Warden - J. M. C. Devens

United States Attorney General

Respondent(s)

U.S. Dept. of Justice
Washington, D.C. 20543

CIVIL ACTION NO. _____

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
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1. This petition concerns: (check appropriate blank)

A conviction

A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the
Judgment).

Jail or prison conditions

Prison discipline issue

A parole problem

Other. State briefly:

*Unlawful or Unconstitutional Custody By Court
order of Federal Judge Relating To convictions, Sentences
Commitments and further commitments 18 U.S.C. 2245,
2247(d) etc. as applied.*

2. Place of detention: N-2 - Cell 219 - J. M. C. Devens - Post office
Box 879 - Ayer - Massachusetts, 01432

7. Indictment or case number, if known: N/A - See Court Records

8. Offense or Offenses for which sentence was imposed: Mail Threatening Communications
Attempt to Extortion

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records

10. When was a finding of guilt made? (Check one)

After a plea of guilty

After a plea of not guilty *and plea insanity*

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

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b. Result: N/A - See Court Records

c. Date of result: N/A - See Court Records

d. Citation or number of opinion: N/A - See Court Records

e. Grounds raised: (List each one)

N/A - See Court Records

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UNITED STATES DISTRICT COURT

Boston, Ma. and Western District of North Carolina
Joseph Marion Head, Jr.
Reg. No. 17549-056

Plaintiff

U.S.A. And v. U.S.A. Att. Gen.
David L. Winn - Warden
F.M.C. Devens

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Joseph Marion Head, Jr. declare that I am the (check appropriate box)
 petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. herewith

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.M.C. Devens

Are you employed at the institution? YES Do you receive any payment from the YES

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. F.M.C. Devens, Ed. Dept., Amount about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes

No

See Prison Cop Outs

(1) If your answer to "a" above is yes, what was the result? *N/A - See Prison Records*

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes

No

See Prison Cop Outs

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A - See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *N/A - See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

18 U.S.C. 2245 Commitment and etc. relating thereto. See all prison and court records relating to same and see all state and Federal Prison and Court records relating to petitions, frios and present and all related and arrested and demanded therein and relating thereto. See also all cop outs relating to the aforesaid. And see the records of the Inter American Commission and Court of Human Rights. And all other known Records etc. relating to the aforesaid.

STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 7 day of Dec., 2004.

Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: N-2 - Cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

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Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

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Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: N-2-Cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes

No

See Prison Cop Outs

(1) If your answer to "a" above is yes, what was the result? N/A - See Prison Records

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes

No

See Prison Cop Outs

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A - See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. N/A - See Prison and Court Records

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

18 U.S.C. 2245 Commitment and etc. relating thereto. See all prison and court records relating to same and see all state and Federal Prison and Court records relating to petitions, prior and present and all related, and asserted and demanded therein and relating thereto; See also all cop outs relating to the aforesaid. And see the records of the Inter American Commission and Court on Human Rights. Any all other known Records etc. relating to the aforesaid.

UNITED STATES DISTRICT COURT

Boston Ma. and Western District of North Carolina
Joseph Marion Head, Jr.
Reg. No. 17549-056

Plaintiff

U. S. A. And v. U. S. A. At. Gen.
David L. Winn - Warden
J. M. C. Devens

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Joseph Marion Head, Jr. declare that I am the (check appropriate box)

petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. herewith

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration

J. M. C. Devens

YES

Are you employed at the institution? YES Do you receive any payment from the

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. J. M. C. Devens, Ed. Dept., Amount about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

7. Indictment or case number, if known: N/A - See Court Records

8. Offense or Offenses for which sentence was imposed: Mail Threatening Communications
Attempt to Extort

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records

10. When was a finding of guilt made? (Check one)

After a plea of guilty

After a plea of not guilty and plea insanity

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

A jury

A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

- Name of court: United States Court of Appeals - Fourth Circuit
- Result: N/A - See Court Records
- Date of result: N/A - See Court Records
- Citation or number of opinion: N/A - See Court Records
- Grounds raised: (List each one)
N/A - See Court Records

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

**IN THE UNITED STATES DISTRICT COURT
FOR THE Boston-Ma. and Asheville, N.C.**

Joseph Marion Head Jr.
Petitioner

Reg. No. 17549-056 - J. M. C. Devens
Post Office Box 879
Ayer - Massachusetts - 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

vs. U.S. A. And David L. Winn
Warden - J. M. C. Devens
United States Attorney General
Respondent(s)
U.S. Dept. of Justice
Washington, D.C. 20543

CIVIL ACTION NO. _____

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction

A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).

Jail or prison conditions

Prison discipline issue

A parole problem

Other. State briefly:

Illegal or Unconstitutional Custody By Court
order of Federal judge Relating to convictions, Sentences,
Commitments and further commitments 18 U.S.C. 2245,
2247(d) etc. as applied.

2. Place of detention: A-2 - Cell 219 - J. M. C. Devens - Post office
Box 879 - Ayer - Massachusetts 01432

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE Boston - Ma. and Asheville, N. C.

Joseph Marion Head, Jr.
Petitioner

Reg. No. 17549-056 - J. M. C. Devens
Post Office Box 879
Ayer - Massachusetts - 01432
(Full name under which you were convicted;
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CIVIL ACTION NO. _____

vs. U.S. A. And David L. Winn
Warden - J. M. C. Devens
United States Attorney General
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U.S. Dept. of Justice
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A conviction
 A sentence (**CAUTION:** If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).
 Jail or prison conditions
 Prison discipline issue
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 Other. State briefly: Illegal or Unconstitutional Custody By Court
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2247(d) etc. as applied.

2. Place of detention: N-2 - Cell 219 - J. M. C. Devens - Post office
Box 879 - Ayer - Massachusetts, 01432

7. Indictment or case number, if known: 7/11 00-0000000

8. Offense or Offenses for which sentence was imposed: Mail Threatening Communications
Attempt to Extortion

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court
Records

10. When was a finding of guilt made? (Check one)

After a plea of guilty

3

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

A jury

A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

a. Name of court: United States Court of Appeals - Fourth Circuit

b. Result: N/A - See Court Records

c. Date of result: N/A - See Court Records

d. Citation or number of opinion: N/A - See Court Records

e. Grounds raised: (List each one)

e. Grounds raised. (List each one.)
N/A - See Court Records

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

UNITED STATES DISTRICT COURT

Boston, Ma. and Western District of North Carolina
Joseph Marion Head, Jr.
Reg. No. 17549-056

Plaintiff

U.S.A. And v. U.S.A. Att. Gen.
David L. Winn - Warden
J. M. C. Devens

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Joseph Marion Head, Jr. declare that I am the (check appropriate box)

 petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. herewith

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration J. M. C. Devens YES

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Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. J. M. C. Devens, Ed. Dept., Amount
about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes _____ No *See Prison Cop Outs*

(1) If your answer to "a" above is yes, what was the result? *N/A - See Prison Records*

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes _____ No *See Prison Cop Outs*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A - See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *N/A - See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

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STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

12/06/04 P 2:50

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 7 day of Dec., 2004.

Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: N-2-Cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

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15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes

No *See Prison Cop Outs*

(1) If your answer to "a" above is yes, what was the result? *N/A - See Prison Records*

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes

No *See Prison Cop Outs*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A - See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *N/A - See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

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UNITED STATES DISTRICT COURT

Boston Ma. and Western District of North Carolina
Joseph Marion Head, Jr.
Reg. No. 17549-056

Plaintiff

U.S.A. And v. U.S.A. Att. Gen.
David L. Winn - Warden
J. M. C. Devens

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Joseph Marion Head, Jr. declare that I am the (check appropriate box)

 petitioner/plaintiff/movant other

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Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. J. M. C. Devens, Ed. Dept., Amount about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

7. Indictment or case number, if known: N/A - See Court Records

8. Offense or Offenses for which sentence was imposed: Mail Threatening Communications
Attempt to Extort

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records

10. When was a finding of guilt made? (Check one)

After a plea of guilty

After a plea of not guilty and plea insanity

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

A jury

A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

a. Name of court: United States Court of Appeals - Fourth Circuit

b. Result: N/A - See Court Records

c. Date of result: N/A - See Court Records

d. Citation or number of opinion: N/A - See Court Records

e. Grounds raised: (List each one)
N/A - See Court Records

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE *Boston-Ma. and Asheville, N.C.*

Joseph Marion Head/junior
Petitioner

Reg. No. 17549-056 - J. M. C. Devens
Post Office Box 879
Ayer - Massachusetts - 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

vs. U.S. A. And David L. Winn
Warden - J. M. C. Devens
United States Attorney General
Respondent(s)
U.S. Dept. of Justice
Washington, D.C. 20543

CIVIL ACTION NO. _____

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction
 A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).
 Jail or prison conditions
 Prison discipline issue
 A parole problem
 Other. State briefly: *Illegal or Unconstitutional Custody By Court order of Federal Judge, Relating To convictions, Sentences, Commitments and further commitments 18 U.S.C. 2245, 2247(d) etc. as applied.*

2. Place of detention: *N-2 - Cell 219 - J. M. C. Devens - Post office Box 879 - Ayer - Massachusetts, 01432*

United States District Court
for the District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America
Petitioner

VS

Joseph Marion Head
Reg. No. 17549-056
Respondent

Motion For A Show Cause Order
To Issue To Petitioner To Show
Cause And Prove Legal Reasons
And Just Cause Why Respondent
Should Not Be Lawfully Released On
Unconditional Or Conditional
Release Relating To The Civil
Commitment 18 U.S.C. 2245
And Federal Criminal Commitments
And Federal Sentences To Prison

Now Comes, Joseph Marion Head junio, Reg. No.
17549-056, Respondent in the above entitled cause
and morant herein, who himself pro se hereby
respectfully presents to this court, the instant motion
pursuant to the provisions of laws and constitution
of the United States of America and of the States thereof
which Legally Applies Hereto and Which May Be Legally
Applied Thereto to Exclude As Relates And Applies
To Human Rights of American's.

United States Constitution Amendments 1, 4, 5, 6, 8, 14
Rights Protected By The American Convention on
Human Rights And By The Inter American Commission
and Court On Human Rights, Located In Washington, D.C.
Signed, Joseph Marion Head junio 17549-056 (Dec. 13th. 04)

not advise Head of his rights to appeal
nor gave Head a copy of the records
and transcripts, etc., therefore no
appeal was taken by Head. See
18 U.S.C. 4247(d). See court records
as to the representation received and
not received from Mr. Brown.
Did the aforesaid constitute a conspiracy
against Head and Kidnapping of Head
By judicial Processes?

Was and Is Head's State and Federal
Convictions and Sentences Legal and
Valid and not violative of Any Law
, right, privilege of Head, etc. persons
, places or things, past, present
See all Prison and Court Records
and all asserted Etc. Therein and
Relating Thereto Prior and Present,
Etc. As Applies.

Speedy Reply Demanded
Joseph Marion Head junior 17549-056
December 15th. 2004
N-2 Cell 219 - F.M.C. Devens
42 Patton Road - Post office Box 879
Ayer - Massachusetts - 01432

18 U.S.C. 1201

Title 21 U.S.C. S. 851 and
Sub Sec. s.

Court orders issuing from the United States District Court in Boston - Massachusetts and Asheville, North Carolina, that As To The Cause and Pretexts And The Legality of The Aforesaid, See all prison and court records and etc. records, and all related, asserted, asked for and demanded in and relating to each and all of the aforesaid prison and court, etc. records, etc. relating to the aforesaid and movant hereto, prior, present etc. as applies.

David L. Winn, vs the Warden of F.M.C.

Devens Aforesaid Where Movant Is Housed.
See each and all of movants cop outs, etc. to said Warden and See each and all of movants civil complaints, etc. petitions, motions etc. Movant vs ing Said Warden and Etc. Persons, Places and things. See all asserted and all demanded in each of the aforesaid, by movant. Further see all State and Federal Prison And Court Records of and Relating To Movant, Prior, Present, Hereinafter as applies and see all moves for and asserted and demanded, in each and all of the aforesaid records and etc. records etc. relating thereto, prior, present, etc..

Movant has an absolute right under the United States Constitution Amendments 1, 4, 5, 6, 8, 14 As Legally Applies Hereto, To request and demand his lawful release from the commitments under 18 U.S.C. 4245, etc as ordered by the Courts prior hereto as applies to movant herein.

United States Federal Grand Jury
For Boston Massachusetts
And Beckley, West Virginia
C/O

United States Federal District Court
1 Courthouse Way-Suite 2300
Boston Massachusetts 02210

Re: Joseph Marion Head junior-17549-056

Was Head's transfer from F.C.I. Beckley
to F. M. C. Devens, A Legal Transfer?
If, So, How So? If Not, How Not?

If Not, Did It Constitute Kidnapping And
Or Conspiracy Against Head?

Head did not consent to the transfer.
See Head letter written at F. C. I. Beckley
To The Warden and Inmate Systems
Manager, While Head was in Seg, just
before transfer to F. M. C. Devens.

Was And Is Head's Commitment 18 U.S.C.
4245(d) 4249(d), Legal And Valid And
Not Violative Of Head's Rights, Privileges?

Head's motion to the court to have
His Attorney, Mr. William Brown
Removed As His Attorney Was Denied,
Why Denied And Was The Order Legal
And Valid And Not Violative Of Law
Or Head's Rights Or Privileges?

Mr. Brown Was Ineffective Counsel And
Not Prepared To Represent Head. Mr. Brown
Presented No Evidence nor Witnesses And
Did Not Allow Head To Testify And Did

The act of fear was stated etc. to lay the foundation of first degree murder and to alledge that person acted in self defense. And that person was allowed to buy or have a gun for the purpose of killing Head with premeditated Murder called and to be reported as self defense.

Who poses the real threat to who? Which Court ordered who to not come in the State or County again or go around a certain person for the Court has giving that person the right to buy a gun to kill with if that person want to and to call it self defense of himself or others.

Who was the threat to who? How, When, Where, Why, Legal or Not legal? Who or what, gave who notice of who brought a gun and why? Did the law require such a notice to be given? If not, why not? As part of self defense law and rights.

The law of North Carolina is a Nut shall is, we will let you buy or have a gun to kill with and you have to say you acted in self defense when you kill. But well will not give you or require you to have a copy of the law, so you will know when and how to kill someone legally.

Signed, Joseph Marion Head junior 17549-056 (12-13-04)

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

(1) If your answer to "a" above is yes, what was the result? _____

(2) If your answer to "a" above is no, explain:

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes No N/A - See Prison Records

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *N/A - See Prison and Court Review*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

See The Complete State and Federal Prison and
Medical, Phys. and Court, Records Relating
To petitioners, prior present, etc. and all
persons, places and things relating to the
aforesaid herein and petitioners hereof.

United States District Court
Boston, Massachusetts
Each U. S. Federal Judge And Magistrate,
Att: U. S. Attorney General - U. S. Dept. Justice
Re: U. S. A. vs Joseph Marion Head junior
U. S. D. Ct. W. D. N. Ash. Div.

Federal Rules Criminal Procedure Rule 52(b)
Rule 52(b) Plane Errors

See And Apply

U. S. Const. Amend. 1, 4, 5, 6, 8, 14, ETC.
Title 21 Sec. 851'a, a-1, etc as applies
Kidnapping By Judicial Processes
18 U.S.C. 1201

Violations Of Procedural Due Process, Due
Process, Etc Rights.

Joseph Marion Head junior
17549-056
Dec. 13 - 04

7. Indictment or case number, if known: N/A - See Court Records

8. Offense or Offenses for which sentence was imposed: N/A - See Court Records

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Court Records

10. When was a finding of guilt made? (Check one)

After a plea of guilty

After a plea of not guilty

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

A jury

A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

a. Name of court: U.S. Ct. App. 4th Cir.

b. Result: N/A - See Court Records

c. Date of result: N/A - See Court Records

d. Citation or number of opinion: N/A - See Court Records

e. Grounds raised: (List each one)
N/A - See Court Records

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

United States District Court
for the District of Massachusetts
Boston Division

1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America | Case Number, _____
VS
Joseph Marion Head junior
Defendant

Motion For Unconditional Or Conditional Release,
The Right To Writ Of Habeas Corpus To Issue.

Now Comes, Joseph Marion Head junior, Reg. No. 17549-056, defendant in the above entitled cause and movant herein, who himself pro se respectfully moves the court as related hereinabove, pursuant to the provisions of laws and constitution and human rights as applies and may be applied hereto by the court, legally and officially.

Movant herein is a Caucasian male born on December second 1946 in Gastonia, North Carolina of the United States of America and is presently housed in the Federal Medical Center Devens, located at 42 Patton Road, Post office Box 879, Ayer, Massachusetts, Zip Code 01432, The Warden is David L. Wilson. Movant is in the custody of the United States Attorney General by Court order of the United States District Court, Boston Massachusetts and Asheville North Carolina, as to same, See Court Records.

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

12/1/04 1:15 PM 12/21

IN THE UNITED STATES DISTRICT COURT

FOR THE Boston, Massachusetts DISTRICT OF MASS.

Joseph Marienthal Jr. (7549-056)

Petitioner

*J. M. C. Devens, P.O. Box 879
Ayer - Ma. 01432*

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS.

CIVIL ACTION NO. _____

United States Attorney General

Respondent(s)

*U.S. Dept. of Justice
Washington, D.C. 20543*

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction
 A sentence (**CAUTION:** If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).
 Jail or prison conditions
 Prison discipline issue
 A parole problem
 Other. State briefly: *18 U.S.C. 4245 Commitment And
etc. Relating Thereto, Constitutionally And Otherwise.*

2. Place of detention: *A-2 Cell 219 - J. M. C. Devens - P.O. Box 879
- Ayer - Massachusetts 01432*

All Transactions


Inmate Reg #: 17549056 **Current Institution:** Devens FMC
Inmate Name: HEAD, JOSEPH **Housing Unit:** N SOMP
Report Date: 12/09/2004 **Living Quarters:** N02-219U
Report Time: 8:45:14 AM

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
12/7/2004 12:28:26 PM	DEV3009	Sales	(\$29.60)	48		\$0.70
12/6/2004 9:06:36 AM	DEV2007	Payroll - IPP	\$21.92	5JV021		\$30.30
11/30/2004 5:36:14 PM	DEV3002	Sales	(\$42.15)	59		\$8.38
11/30/2004 5:31:03 AM	AMSERVICE	Lockbox - CD	\$50.00	70121005		\$50.53
11/9/2004 12:23:51 PM	DEV3008	Sales	(\$40.35)	35		\$0.53
11/5/2004 9:39:14 AM	DEV2007	Payroll - IPP	\$19.76	5JV004		\$40.88
10/20/2004 1:32:03 PM	DEV2007	Local Collections	\$20.00	1055		\$21.12
10/5/2004 12:17:32 PM	DEV3009	Sales	(\$21.25)	39		\$1.12
10/5/2004 10:03:00 AM	DEV2007	Payroll - IPP	\$22.28	4JV157		\$22.37
9/15/2004 11:59:42 AM	DEV3009	Sales	(\$3.10)	29		\$0.09
9/9/2004 12:22:58 PM	DEV3002	Sales	(\$21.85)	51		\$3.19
9/8/2004 7:59:53 AM	DEV2007	Payroll - IPP	\$25.04	4JV146		\$25.04
8/18/2004 6:14:32 PM	DEV3002	Sales	(\$1.11)	63		\$0.00
8/11/2004 12:08:03 PM	DEV3009	Sales	(\$19.81)	36		\$1.11
8/5/2004 7:07:54 AM	DEV2004	Payroll - IPP	\$20.84	4JV132		\$20.92
7/9/2004 12:12:45 PM	DEV3002	Sales	(\$23.00)	34		\$0.08
7/6/2004 8:56:57 AM	DEV2007	Payroll - IPP	\$23.00	4JV117		\$23.08
6/10/2004 12:18:51 PM	DEV3007	Sales	(\$17.50)	47		\$0.08
6/7/2004 8:13:23 AM	DEV2007	Payroll - IPP	\$17.24	4JV102		\$17.58
6/3/2004 12:06:36 PM	DEV3006	Sales	(\$40.40)	31		\$0.34
5/24/2004 7:17:08 AM	DEV2007	Photo Copies	(\$9.30)	4JV108		\$40.74
5/20/2004 12:08:01 PM	DEV3006	Sales	\$0.00	38		\$50.04
5/13/2004 1:06:11 PM	DEV3007	Sales	(\$20.02)	84		\$50.04
5/13/2004 12:59:57 PM	DEV3007	Sales	\$0.00	80		\$70.06
5/10/2004 2:27:56 PM	DEV2007	Local Collections	\$50.00	14466		\$70.06
4/26/2004 11:50:27 AM	DEV3006	Sales	\$0.00	17		\$20.06
4/22/2004 3:07:49 PM	DEV2005	Local Collections	\$20.00	13344		\$20.06
4/15/2004 2:01:13 PM	DEV3006	Sales	\$0.00	102		\$0.06
4/8/2004 2:02:50 PM	DEV3006	Sales	\$0.00	55		\$0.06
3/25/2004 1:55:39 PM	DEV3002	Sales	\$0.00	94		\$0.06
3/18/2004 1:43:19 PM	DEV3006	Sales	\$0.00	69		\$0.06
3/11/2004 1:17:07 PM	DEV3006	Sales	(\$20.30)	71		\$0.06

1

Miscellaneous Business Docket Judge for the
United States District Court
for the District of Massachusetts
Boston Division

United States of America
Petitioner

VS

Joseph Marion Head
Reg. No. 17549-056
Respondent

03-CV-10228

Motion To Allow An Untimely Appeal
To The First Circuit Court of Appeals
From The Final Order of Judge Tauro
of the United States District Court for Boston
Massachusetts, Dated Nov. 17th, 2003
Committing Morant Pursuant To 18 U.S.C. 4245(d)
And Appoint Counsel To Represent
Said Appeal And Etc. Relating Thereto.
18 U.S.C. 30006A, Amend. 5, 6, 14.

Now comes, Joseph Marion Head junior 17549
056, respondent in the above entitled
cause and morant herein, who pro se
respectfully moves the Court to allow
him to appeal untimely for the reason
is related herein and the laws and
constitution as relates and applies thereto
and hereto.

Morants Court appointed Attorney, Mr.
William Brown would not withdraw
from morants case when

(2)

and Order Violative of Law, Constitution or the Rights or Privileges of the Appellant Hereof? If so, What Relief Must Be Ordered in Appeal, etc. And Why, When, How, Where, To who, Etc.? Same Is Also Asked as to the Letter from Barbara Morse (Pro Se Office, dated Dec. 14th, 2004, received Dec. 17, 2004 by way of U.S. Mail.

What was the outcome of the appeals to the First Circuit Court of Appeals as to each judgment and Order of District Court Judges for the Federal District Court in Boston Massachusetts relating to Joseph Marion Head and Joseph Marion Head junior, both the same person as known to the Court, Reg. No. 17549-056.

Each Judgment and Order of Said Court Received By Mail, By Head Affairs, A Notice of Appeal was sent to the Court thereeto, By Way of U.S. Mail. Was Each Notice of Appeal Filed and Fully Processed, Etc.? If so, When? If not, Why Not?

Signed, Joseph Marion Head junior, 17549-056
Dec. 17th, 2004
N-2 Cell 219, F.M.C. Terreus, P.O. Box 879,
Ayer, Ma., 01432.



OFFICE OF THE CLERK
JOHN JOSEPH MOAKLEY COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210



December 14, 2004

Mr. Joseph M. Head, Jr.
Reg. No. 17549-056
FMC Devers
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

The Clerk received your correspondence seeking information on the three notices of appeal you recently filed.

The Court's records indicate that by Order dated November 30, 2004, Judge Stearns ordered the clerk to enter the Notices of Appeal in the following actions: (1) Head v. United States, et al., C.A. No. 04-40089-RGS; (2) Head v. Unknown Parties, et al., C.A. No. 04-40090-RGS; and (3) Head v. America, et al., C.A. No. 04-40103-RGS.

Enclosed please find courtesy copies of the docket sheets for these three cases and note that the docket for each case indicates the case is on appeal. After the district court transmits the files to the Court of Appeals for the First Circuit, you will be notified of the appeals court case numbers.

Finally, I am enclosing a copy of the December 8th Memorandum and Order issued by Judge Stearns in Head v. Winn, C.A. No. 04-40084-RGS. This order requires you to obtain approval of the Miscellaneous Business Docket Judge before filing any documents with this Court. In the future, if you wish to file any documents in the District of Massachusetts, the Memorandum and Order requires you to file a written petition accompanied by a copy of the December 8th Memorandum and Order together with the papers sought to be filed and a certification under oath that there is a good faith basis for their filing.

I hope that this letter addresses your concerns.

Barbara Morse
Barbara Morse
Pro Se Office

To: The Miscellaneous Business Docket
Judge of the United States District Court of
Boston, Massachusetts, Presented for Approval
United States District Court ²⁰⁰⁵⁻⁰¹⁻⁰⁶
for the District of Massachusetts ²⁰⁰⁵⁻⁰¹⁻⁰⁶
Boston Division ²⁰⁰⁵⁻⁰¹⁻⁰⁶

Joseph Marion Head
Petitioner

VS

David L. Wein
Respondent

Objection And Notice of Appeal
In Forma Pauperis.

C.A. No. 04-40084-RGS

objection To The Memorandum And Orders
of Judge, Stearns, dated 8, Dec. 2004,
Received By Petitioner on 17, Dec. 2004.
Baid Orders Being Prejudicially Entered And Is contrary
To And Violation of Law, Constitution And of The
Rights or Privileges of Petitioner.

Further, Notice of Appeal Is Herby Given To The
First Circuit Court of Appeals From the
Final Memorandum And Orders of Judge
Stearns aforesaid, Dated Dec. 8, 2004 that
was not received by petitioner until Dec.
17th, 2004 by way of U.S. Mail.

The Issues On This Appeal Are
As Related Herein Below By
Appellant Pro Se Without Legal
Assistance. See And Apply Hereto

Green vs United States, 260 F.3d. 78, 83 (1d.cir.
2001) and Haines v Kerner, 404 U.S.C. 519,
520-21 (1972) (per curiam).

Issues Presented
(1)

Was And Is The Lower Courts Memorandum

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH MARION HEAD,)
Petitioner,)
)
v.) C.A. No. 04-40084-RGS
)
DAVID L. WINN,)
Respondent.)

MEMORANDUM AND ORDER

By Order dated September 17, 2004, the court instructed the Clerk to docket no further filings submitted by Joseph Marion Head without the prior approval of the court. See 9/17/04 Order, Docket No. 5.

For the reasons set forth below, the Clerk is directed to return to petitioner the documents that were received for filing after the issuance of the court's September 17th Order.

DISCUSSION

Petitioner Joseph Marion Head is a federal prisoner¹ now confined to FMC Devens in Ayer, Massachusetts. Despite the issuance of an injunction on September 17th, Mr. Head has continued to submit documents for filing. Upon review of these submissions, the court finds the documents, save one

¹Petitioner is now serving a 360-month sentence that was imposed pursuant to his convictions on nine counts of mailing threatening communications in violation of 18 U.S.C. § 876. See United States v. Head, No. 98-cr-102-ALL (W.D. N.C. Sept. 12, 2001).

3

*Joseph Marion Head v David L. Winn, C.A. No. 04-40084-RGS
Reference To Notice of Appeal To First Circuit Court of Appeals*

STATEMENT OF INDIGENCE

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head/junior, do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 17th day of Dec., 2004.

Name: Joseph Marion Head/junior
Number: 17549-056
F.M.C. Devens, Unit: N-2 cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

pleading concerning the denial of a petition for writ of certiorari by the Supreme Court of the United States, to be duplicative of the claims raised in Civil Action Nos. 04-40042-RGS and 04-40084-RGS. Because I find these documents to be duplicative and malicious under the authority of 28 U.S.C. § 1915A,² the court will direct the clerk to return these documents to Joseph Marion Head.

ORDER

Based upon the foregoing, it is hereby

ORDERED that in accordance with this Court's order dated September 17, 2004, the clerk shall return to Joseph Marion Head the documents submitted for filing since September 17, 2004; and it is further

ORDERED that petitioner Joseph Marion Head be precluded from filing any additional papers, claims, cases, files, complaints, or anything resembling those pleadings, or any other documents in the United States District Court for the District of Massachusetts, in any manner, way or form, without first obtaining the prior written approval of the Miscellaneous Business Docket Judge of the United States

² 28 U.S.C. § 1915A provides in pertinent part:

- (a) Screening.--The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a government entity.
- (b) Grounds for Dismissal.--On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--
 - (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
 - (2) seeks monetary relief from a defendant who is immune from such relief.

District Court for the District of Massachusetts; and it is further

ORDERED that if petitioner Joseph Marion Head undertakes to file any additional papers in this Court, he shall file a written petition seeking leave of court to do so. The petition must contain a copy of this Memorandum and Order, together with the papers sought to be filed, and a certification under oath that there is a good faith basis for their filing. The Clerk of Court shall accept the documents, mark them received, and forward them to the Miscellaneous Business Docket Judge for action on the petition; and it is further

ORDERED that petitioner Joseph Marion Head is advised that failure to comply with these requirements may result in the imposition of additional sanctions, including monetary fines.

SO ORDERED.

Dated at Boston, Massachusetts, this 8th day of December, 2004.

/s/ Richard G. Stearns
RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

United States District Court
For The District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

Joseph Marion Head junior
Reg. No. 17549-056
Plaintiff

Complaint
In forma Pauperis
Civil Case Number

United States Federal
Bureau of Prisons
And Federal Medical
Center Devens And The
Employees of Each, Liable
Relating Hereto,
Defendants

00-1723-11-13

Jurisdiction

The Court Has jurisdiction Herein Pursuant
To The Provisions of Laws And Constitution
Which Legally Applies Hereto And Which May
Be Legally Applied Relating Hereto As
Known By The Courts And Judges, Justices,
Of And For The United States of America,
And The Places, Persons, Things, Within The
Legal jurisdiction Thereof Aforesaid Etc.

Plaintiff

Defendants could have related to the court, all the plaintiff legal claims and grounds, errors, etc. within the prison and State and Federal Court records relating to Plaintiff and his State and Federal Court cases. Further claims and grounds and laws, cases, etc. as known to defendant that would have and does entitle Plaintiff to his lawful court release from custody etc..

The court is referred to all prison and court records relating to Plaintiff as to the complete background of same and of all related and asserted and demanded, therein and relating thereto and etc. information relating to all of same, prior, present, hereinafter.

Plaintiff further refers the court to all records, persons, places and things relating to all the aforesaid and to the commitment of Plaintiff because of Defendant, and further commitment based on the Annual Case Summary For Court dated 10-12-04 signed by Doctor Thompson and all other records relating to the aforesaid, prior, present, etc. as applies, to exclude all court records and judgments and orders of the courts relating to the aforesaid and Plaintiff hereof.

See all prison and court records relating to all the aforesaid and to Plaintiff as to all prior relief and release demanded

Complaint Page No. (2)

in Boston, Massachusetts and Asheville, North Carolina, As To Same and Etc. Relating To Same, See All Prison and Court Records of and Relating To Same As of Same Was Attached Hereto As Part Hereof and As of Stated Herein in Proper Order and Form of Same.

The Warden of F. M. C. Devens is David L. Winn, Address, Post office Box 880, F. M. C. Devens, Ayer, Ma., 01432.

Defendants

Defendants herein is, The United States Federal Bureau of Prisons and Federal Medical Center Devens and The Employee's of Each, Past, Present, and Hereinafter, Also's and may Become, Liable Herein and Relating Hereto.

That By A Judgment And Order of the United States Court of Appeals For The Fourth Circuit Over 20 Years Ago,

Indigent, inmates, (Plaintiffs), proceeding ~~pro se~~, is not required to prove their claims and grounds in advance of a full in court evidency hearing.

That Plaintiff states that he does not waive nor abandons his known right is to counsel to be appointed hereto

see and apply thereto and hereto this complaint etc. relating thereto, that, It is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, etc., which should be read, to raise the strongest arguments they suggest.

Green vs United States, 260 F. 3d. 78, 83, (2d, Cir. 2001) and Haines vs Kerner, 404 U.S.C. 519, 520 - 21 (1972) per curiam United States Constitution As Applied To The Aforesaid And As May Be Applied Thereto.

That the, claims, grounds, etc. herein is related and asserted pro se by the plaintiff aforesaid, who is a laymen at law and has has no professional training in law, etc. and is an indigent, therefore can not retain an attorney of his choice to assist and represent him, and plaintiff has no legal assistance relating hereto, by or from a person who is professionally trained in law, etc ..

Claims And Grounds Asserted Herein Are As Related Herein Below ETC.

(1)

Defendants, Violative of The Laws

UNITED STATES DISTRICT COURT

Boston DISTRICT OF *Massachusetts*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Joseph Marion Head Jr.
Respondent
Defendant

: Case No.:

: MOTION FOR APPOINTMENT OF
: COUNSEL

: Re. Ea. Motion, Petition, Complaint
: Etc. Filed, Presented, Etc. To
: This Court Relating to Movant,
: Defendant, Etc. Hereafter
Part, Present, Hereinafter, Etc.

NOW COMES, *Joseph Marion Head Jr.* filing Pro Se,
seeking from this Honorable Court appointment of counsel¹ to
assist in Defendant's:

1. Title 28 U.S.C. § 2255 Motion

✓

2. Title 28 U.S.C. § 2241 Motion

✓

3. Direct Appeal

✓

4. Evidentiary Hearing

✓

5. Other: *18 U.S.C. 4245 through 4247, Processes And Appeals*
Relating Thereto and Therefrom, Etc.

Respondent - Defendant hereby submits that he is indigent² and that
counsel will be necessary in the present action/proceeding to
United States District Court in Boston - Massachusetts and
to the Appeals Court, First Circuit.

¹ See Title 18 U.S.C. § 3006A

² See Copy of Inmate Account Enclosed

(This Record Is Not Attached)

(3)

prior, present and hereinafter, and whether
or not same is and was, legal, valid,
final, constitutional, and not violative
of, law, constitution, Rights, Privileges or
Human Rights and How Not and on
How So, etc. as applies and relates
thereto, etc..

The Court and Judge, orders all the aforesaid
without delay and as soon as
legally possible, to persons, places,
and things, which must disclose all
the aforesaid and indicated herein.

All of same be reduced into type
written form and in memograph form
and Volum's Etc with Index etc.,
and in transcript form and tapes and
filmed, form with sound thereto, also.

Speedy Reply, Etc. Is Demanded Herby.
Respectfully Presented On This The
18th Day of December 2004.

Signed Joseph Marion Head junio, Reg. No.
17549-056, Old State Prison Number
H2-007-410-46-36, Old Service No.
RA-128-133-58 (S.S. No. 248-72-8942).

N-2 Cell 219, F.M.C. Devens

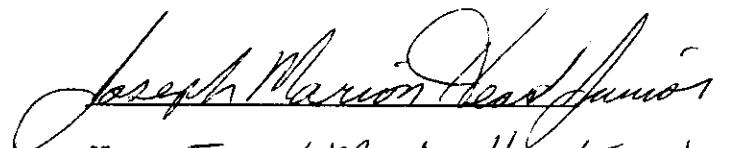
Post office Box 879

Ayer - Massachusetts - 01432

ensure that his constitutional rights are protected in accords to the Sixth Amendment to the United States Constitution.

WHEREFORE, for all the above reasons, Defendant hereby requests of this Honorable Court the benefit of appointment of counsel and any further relief this Court deem fair and appropriate.

Respectfully submitted this 22, day of Dec, 2004


Name: Joseph Marion Head, Jr.
Number: 17549-056
FMC Devens, Unit N-2 Cell 219
P.O. Box 879
Ayer, MA 01432

Miscellaneous Business Docket Judge for the
United States District Court of Boston Massachusetts
1 Courthouse Way - Suite 2300
Boston Massachusetts 02110

United States of America
Petitioner

VS
Joseph Marion Head
Respondent

Reference To Case
03-CV-10228, And
All Matters, Etc., Relating
To Respondent, Prior
Present, Hereinafter.

Motion for Full And Complete Disclosure
To Respondent Himself, All Matters And
Information And Records And Etc., Required
And Entitled To Be Disclosed To Respondent
Himself, Based On And Pursuant To Each
Provision Of Law And Constitution, Etc., That
Applies And May Be Applied Relating Hereto
And Thereunto Each And All Known Records, ETC.
Relating To Respondent Prior, Present And
Hereinafter, To Exclude As Relates And Applies
To Each And All Processes Etc. Relating To
The Aforesaid And All Related, Stated, Etc.,
and Asserted And Asked For And Demanded
Relating To The Aforesaid And Respondent,
And The, Legality, Validity, Finality, Etc. of
and Relating To All The Aforesaid And Respondent
Be Also Disclosed To Respondent Herein,
With A Complete Background Statement of
and As To All The Aforesaid And Respondent
and All Relating Thereto Known of And All
Learned of Hereinafter, To Exclude As
To All Representation Respondent Received And
Did Not Receive, When, Where, How, Why, Etc..

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE *Boston, Massachusetts*

Joseph Marion Head Jr.

Petitioner

Reg. No. 17549-056
P.O. Box 879-L.M.C. Devens
Ayer - Massachusetts - 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS.

CIVIL ACTION NO. _____

U.S.A. Attorney General and David L. Winn - Warden

Respondent(s)

L.M.C. Devens
P.O. Box 880
Ayer - Ma. 01432

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction
 A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the
Judgment).

Jail or prison conditions

Prison discipline issue

A parole problem

Other. State briefly: *18 U.S.C. 4245(d) commitment - Was not
afforded right to evidence and witnesses in my favor and
to testify in my own behalf. Was not allowed to appeal
the commitment, etc. - See 18 U.S.C. 4247(d)(h)(e)(c)(b)(a)(f)*

2. Place of detention: *N-2-Cell 219-L.M.C. Devens - Post Office Box 879
Ayer - Massachusetts 01432*

RELIEF

IV. State what relief you seek from the Court. Make no legal arguments. Cite no cases or statutes.

- (1) Lawful Court Release From All Charges, Etc.
- (2) Appoint Counsel Hereto, 18 U.S.C. 30006 A.
- (3) Order Defendant To Legally Pay To Plaintiff, One Billion Dollars Tax Free in U.S.A. Currency.
- (4) Order a Jury Trial Hereto.
- (5) Order Show Court Evidence Hearing Hereto.
- (6) Order Such Other Criminal, Civil, Tort, Domestic relief and release, authorized, required, entitled prior demander etc., see Prison and Court Records relating to Plaintiff as to all of same.

Signed this _____ day of December 200 4.

Joseph Marion Head Jr.
17549-056 (N-2 Cef 219)
Z.M.C. Devers, P.O. Box 879
Ayer, Ma. 01432
 (Signature of Plaintiff or Plaintiffs)

DECLARATION

Joseph Marion Head Jr. declare under penalty of perjury that I have read and subscribed to the above and state that the information contained therein is true and correct to the best of my knowledge.

Executed December, 2004 at Z.M.C. Devers
 Date Place

Joseph Marion Head Jr.
 Signature of Plaintiff

 Signature of Attorney (If Any)

7. Indictment or case number, if known: N/A - See Ct. Rec.8. Offense or Offenses for which sentence was imposed: N/A - See Ct. Rec.9. Date upon which sentence was imposed and the term of the sentence: N/A - See Ct. Rec.

10. When was a finding of guilt made? (Check one)

 After a plea of guilty After a plea of not guilty After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

 A jury A judge without a jury12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

a. Name of court: U.S. Ct. App. 4th. Cir.b. Result: N/A - See Ct. Rec.c. Date of result: N/A - See Ct. Rec.d. Citation or number of opinion: N/A - See Ct. Rec.

e. Grounds raised: (List each one)

N/A - See Ct. Rec.

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

I LIKED YOU THE
VERY FIRST TIME I
SAW YOU IN PRISONS.



See and Apply all claims, grounds, etc., to each of my state and federal court cases. See all Prison and Court Records as to all of same. See also, all prior relief demanded etc. relating to each of same, etc..

Joseph Marion Head Junior, Plaintiff, 12-19-04

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes No *See Prison and Court Records*

(1) If your answer to "a" above is yes, what was the result? _____

(2) If your answer to "a" above is no, explain: *See Prison And Court Records*

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes No *See Prison And Court Records*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken: _____

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

Appoint Counsel to Make Claim Hereto

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A CIVIL ACTION
UNDER 28 U.S.C. § 1331 OR § 1346

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF Massachusetts

Boston DIVISION

Joseph Marion Head Jr. /s/
Reg. No. 17549-056 (CN-2 cell 219)
2, M.C. Devens P.O. Box 879

Ayer - Ma. 01432
(Enter above the full name of the Plaintiff
or Plaintiffs in this action)

VS.

William Loose - At. At. law
38 N. Market Street
Asheville
North Carolina 28801

(Enter above the full name of the Defendant
or Defendants in this action)

Jurisdiction of the Court Hereto
United States Constitution and
18, 28, 42 U.S.C., and Fed. R.
Civ. Proc. R. 57, As Applies and
as may, may be Against Hereto.

See Court Records As To All
Prior Court Orders Relating
To Plaintiff Herein.

Case No. 04-40084 - R.G.S.,
Boston, Ma., Order dated
8 Dec. 2004

A. Have you begun other actions in Federal Court dealing with the same facts involved in this
Action? Yes No N/A - See Ct. Rec. s

B. If your answer to A is yes, describe the action in the spaces below. (If there is more than one
action, describe the additional actions on the reverse side of this page).

1. Parties to the action: N/A - See Ct. Rec. s

2. Court (Federal Court name the district): N/A - See Ct. Rec. s

3. Docket Number: N/A - See Court Records

4. Name of Judge to whom case was assigned: N-A - See Ct. Rec. s

UNITED STATES DISTRICT COURT

Boston - Massachusetts
Joseph Marion Head junior

District of

Massachusetts

Plaintiff

U.S.A., U.S.A. v. Att. Gen.,
Warden of F.M.C. Devens

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

Defendant

I, Joseph Marion Head junior, declare that I am the (check appropriate box)
 petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. Petition Herewith

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.M.C. Devens

Are you employed at the institution? Yes Do you receive any payment from the Yes

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. F.M.C. Devens, Ed. Dept. - P.O. Box About \$20.00 a month, 880 Ayer, Ma. 01432

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

*Joseph Marion Head Jr. - Plaintiff, vs. William Loos, Defendant
civil No. _____, U. S. D. Ct. Boston - Ma., Div.*

STATEMENT OF INDIGENCY

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 19th day of December, 2004.

Name: *Joseph Marion Head Jr.*
Number: *17549-056*
F.M.C. Devens, Unit: *N-2 Cell 219*
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

Gifts From A Brother - Amount N/A
F. M. A. Devens, Ed. Dept. Job - ORD.

4. Do you have any cash or checking or savings accounts? Yes No

If "Yes," state the total amount. \$15.65

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No *Court denied relief prior*

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

None

I declare under penalty of perjury that the above information is true and correct.

Dec. 28-04 Joseph Marion Head Jr. - 17549-056
Date Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

District Court for the District of Massachusetts; and it is further

ORDERED that if petitioner Joseph Marion Head undertakes to file any additional papers in this Court, he shall file a written petition seeking leave of court to do so. The petition must contain a copy of this Memorandum and Order, together with the papers sought to be filed, and a certification under oath that there is a good faith basis for their filing. The Clerk of Court shall accept the documents, mark them received, and forward them to the Miscellaneous Business Docket Judge for action on the petition; and it is further

ORDERED that petitioner Joseph Marion Head is advised that failure to comply with these requirements may result in the imposition of additional sanctions, including monetary fines.

SO ORDERED.

Dated at Boston, Massachusetts, this 8th day of December, 2004.

/s/ Richard G. Stearns

RICHARD G. STEARNS

UNITED STATES DISTRICT JUDGE

STATEMENT OF INDIGENCY

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 28 day of Dec., 2004.

Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: A-2-Cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH MARION HEAD,)
Petitioner,)
)
v.) C.A. No. 04-40084-RGS
)
DAVID L. WINN,)
Respondent.)

MEMORANDUM AND ORDER

By Order dated September 17, 2004, the court instructed the Clerk to docket no further filings submitted by Joseph Marion Head without the prior approval of the court. See 9/17/04 Order, Docket No. 5.

For the reasons set forth below, the Clerk is directed to return to petitioner the documents that were received for filing after the issuance of the court's September 17th Order.

DISCUSSION

Petitioner Joseph Marion Head is a federal prisoner¹ now confined to FMC Devens in Ayer, Massachusetts. Despite the issuance of an injunction on September 17th, Mr. Head has continued to submit documents for filing. Upon review of these submissions, the court finds the documents, save one

¹Petitioner is now serving a 360-month sentence that was imposed pursuant to his convictions on nine counts of mailing threatening communications in violation of 18 U.S.C. § 876. See United States v. Head, No. 98-cr-102-ALL (W.D. N.C. Sept. 12, 2001).

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT

FOR THE *Boston - Massachusetts*

Joseph Marion Head, Jr.
Petitioner

Reg. No. 17549-056
J.M. C. Devens P.O. Box 879
Ayer - Massachusetts - 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS.

CIVIL ACTION NO. _____

United States of America

Respondent(s)

United States Attorney General,
Warden of J.M. C. Devens 01432
J.M.C. Devens - P.O. Box 879-Ayer-Ma

(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

A conviction

A sentence (**CAUTION:** If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).

Jail or prison conditions

Prison discipline issue

A parole problem

Other. State briefly: *18 U.S.C. 4245(f) Commitment
Nov. 17th, 2003, Boston Massachusetts, Federal
District Court, Etc., Relating Thereto, Prior,
Present and Hereinafter.*

2. Place of detention: *N-2 Cell 219 Fed. Med. Center Devens,
Post office Box 879 - Ayer, Massachusetts,
01432*



UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
JOHN JOSEPH MOAKLEY COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210



December 14, 2004

Mr. Joseph M. Head, Jr.
Reg. No. 17549-056
FMC Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

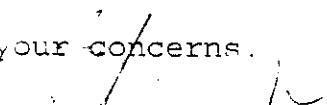
The Clerk received your correspondence seeking information on the three notices of appeal you recently filed.

The Court's records indicate that by Order dated November 30, 2004, Judge Stearns ordered the clerk to enter the Notices of Appeal in the following actions: (1) Head v. United States, et al., C.A. No. 04-40089-RGS; (2) Head v. Unknown Parties, et al., C.A. No. 04-40090-RGS; and (3) Head v. America, et al., C.A. No. 04-40103-RGS.

Enclosed please find courtesy copies of the docket sheets for these three cases and note that the docket for each case indicates the case is on appeal. After the district court transmits the files to the Court of Appeals for the First Circuit, you will be notified of the appeals court case numbers.

Finally, I am enclosing a copy of the December 8th Memorandum and Order issued by Judge Stearns in Head v. Winn, C.A. No. 04-40084-RGS. This order requires you to obtain approval of the Miscellaneous Business Docket Judge before filing any documents with this Court. In the future, if you wish to file any documents in the District of Massachusetts, the Memorandum and Order requires you to file a written petition accompanied by a copy of the December 8th Memorandum and Order together with the papers sought to be filed and a certification under oath that there is a good faith basis for their filing.

I hope that this letter addresses your concerns.


Barbara Morse
Pro Se Office

7. Indictment or case number, if known: N/A - See Ct. Rec.

8. Offense or Offenses for which sentence was imposed: N/A - See Ct. Rec.

9. Date upon which sentence was imposed and the term of the sentence: N/A - See Ct. Rec.

10. When was a finding of guilt made? (Check one)

After a plea of guilty

After a plea of not guilty

After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

A jury

A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes No

13. If you did appeal, give the following information for each appeal:

- Name of court: U.S. Ct. App. 4th Cir.
- Result: N/A - See Ct. Rec.
- Date of result: N/A - See Ct. Rec.
- Citation or number of opinion: N/A - See Ct. Rec.
- Grounds raised: (List each one)
N/A - See Ct. Rec.

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

RELIEF

IV. State what relief you seek from the Court. Make no legal arguments. Cite no cases or statutes.

- (1) Conspiracy and Kidnapping Charges Issue against Defendant Herein.
- (2) Defendant Be Ordered To Legally Pay Plaintiff One Billion Dollars Tax Free in U.S.A. Currency.
- (3) Court Order Plaintiff's Lawful Court Release From Custody, Charges, Etc..
- (4) Trial By Jury Relating Hereto.
- (5) Appoint Counsel To Represent Plaintiff 18 U.S.C. 30006A.
- (6) Conduct an Court Evidentiary Hearing Hereto.

Signed this 19th day of December 2004.

Joseph Marion Head Jr.
Reg. No. 17549-056
J. M. C. Devens, P.O. Box 879
Ayer - Ma. 01432
(Signature of Plaintiff or Plaintiffs)

DECLARATION

I, Joseph Marion Head Jr. declare under penalty of perjury that I have read and subscribed to the above and state that the information contained therein is true and correct to the best of my knowledge.

Executed Dec. 19th. 2004 at J. M. C. Devens
Date Place

Joseph Marion Head Jr.
Signature of Plaintiff

Signature of Attorney (If Any)

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

Yes

No

N/A - See Prison Records

(1) If your answer to "a" above is yes, what was the result? _____

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

Yes

No

N/A - See Prison Records

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken: _____

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *See Prison and Court Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

As stated and related herein on pg. 4 grounds 1, 2, 3 and the facts of each as applies and as may be applied. Other facts is the complete Prison, Medical, Pay, and court Records relating to the aforesaid commitment and all relating thereto, to exclude all prison cop outs etc forms filed by petitioners herein.

Illegal transfer of J. M. C. Devens from F.C. F. Beckley. Petitioner did not consent to the transfer. Jans had petitions, motions, etc pending in Federal District Court, Beckley W. Va. 18 U.S.C. 1201

PARTIES

(In item I. Below, place our name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any).

I. Name of Plaintiff: Joseph Marion Head junior - 17549-056
 Address: N-2 Cell 219 - F.M.C. Devens - P.O. Box 879 Ayer - Ma. 01432

(In item II. Below, place the full name of the defendant in the first blank, his / her official position in the second blank, and his / her place of employment in the third blank. Use the space below item II. for names, positions and places of employment of any additional defendants.)

II. Defendant William Brown is employed as At. App. Attorney
U. S. D. Ct. Boston Div. At Massachusetts, 02110

STATEMENT OF CLAIM

III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet(s), if necessary.)

Re: U.S.A. (v) Joseph Marion Head Reg. No. 17549-056, 18 U.S.C. 4245
 commitment and 4247(d) process, etc. relating thereto
 as related of prison and court records. F.M.C. Devens,
 U.S.D.C. Boston - Massachusetts. Court Appointed Counsel was
 William Brown - Attorney At Law in Boston, Massachusetts.
Ineffective Assistance of Counsel - Was not legally prepared to
represent Head, did not present any evidence nor witnesses
in Head's favor, did not allow Head to testify in his own
behalf, did not advise Head of his rights to appeal,
therefore no appeal was taken by Head. Had appeal been
taken claims, grounds, etc. relating to Head's criminal
cases, convictions, sentences, etc. could have been presented
on this appeal to obtain Head's freedom for Head and etc
relief, criminal and civil, tort, domestic, etc. v. A., ETC.
Struckland vs Washington As applies to the aforesaid.
U.S. Const. Amend. 1, 4, 5, 6, 8, 14 and 9. 18 U.S.C. 1201.

United States District Court
For the District of Massachusetts
1 Courthouse Way Suite 2300
Boston Massachusetts

02210

Joseph Marion Head junior
Movant

Case No. _____

vs
United States of America
Respondent

Amendment To Motion's, Etc. Now Pending.
Motion For Appointment Of Counsel For Each
Purpose Movant Is Entitled To Be Appointed
Counsel To Assist And Represent Movant. See
And Apply Hereto, 18 U.S.C.30006A and sub sec. s
, Title 18 U.S.C. 313 and 4109, Federal Rules
of Criminal Procedure, Rules 5 and 44, Such
Other Laws And Court Cases, Etc. As Applies And As
May Be Applied Relating Hereto. U.S. Const..

MOVANT

Now Comes, Joseph Marion Head junior, Reg. Number
17549-056, movant, herein, who himself pro se
respectfully moves the court for appointment of
counsel as related hereinabove for the purposes as
stated herein.

Movant heretofore refers the court to all

5. Disposition: (Was case dismissed? Was it appealed? Is it still pending?) : _____

N/A - See Court Records

C. 1. Did you present the facts relating to your complaint in the internal prison grievance procedure? Yes _____ No _____

N/A - See Prison Records

2. If your answer is Yes, what was the result? N/A - See Prison Records

3. If your answer is No, explain. N/A - See Prison Records

D. 1. Did you present your claim to the Bureau of Prisons or other Federal agency for administrative action? Yes _____ No _____

N/A - See Prison Records

2. If your answer is yes, state the date such claim was submitted and what action, if any has been taken. N/A - See Prison Records

3. If your claim has been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other Federal agency concerning your claim.

E. 1. Are you suing for a work related injury? Yes _____ No _____

2. If your answer is Yes, state the nature of the duties you were performing when the injury occurred. _____

United States District Court
for the Western District of North Carolina
Asheville Division³
309 United States Courthouse Building
100 Otis Street
Asheville North Carolina 28801

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A CIVIL ACTION
UNDER 28 U.S.C. § 1331 OR § 1346

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF Massachusetts

Boston DIVISION

Joseph Marion Head, Jr.
Reg. No. 17549-056, N-2 Cell 219
2, M. C. Devens - P. O. Box 879
Ayer - Massachusetts 01432
(Enter above the full name of the Plaintiff
or Plaintiffs in this action)

VS.

William Brown - Attorney At Law,
United States District Court
1 Ct. House Way - Suite 2300
Boston - Massachusetts, 02210
(Enter above the full name of the Defendant
or Defendants in this action)

Jurisdiction of the Court
18, 28, 42 U.S.C., Fed. R. 57
Civ. Proc., U.S. Constitution,
As Applies And As May Be Applied
Hence.

See Order of Fed. Judge Stearns
U.S. D.Ct. Boston, Ma. Dated
December 8th. 2004, Case Number
04-40084 - RGS
Joseph Marion Head, Petitioner
VS
David L. Winn, Respondent,
See All Other Records Also of Head's
Court and Prison Records

A. Have you begun other actions in Federal Court dealing with the same facts involved in this
Action? Yes No ✓ Or Maybe, See Court Records
B. If your answer to A is yes, describe the action in the spaces below. (If there is more than one
action, describe the additional actions on the reverse side of this page).

1. Parties to the action: N/A - See Court Records

2. Court (Federal Court name the district): N/A - See Court Records

3. Docket Number: N/A - See Court Records

4. Name of Judge to whom case was assigned: N/A - See Court Records

Attention: Fed. Bureau of Investigation

Attention: U.S. Fed. Grand Jury - Boston, Ma.

United States District Court
for the District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America
Petitioner

vs

03-CV-10228

Joseph Marion Head
Reg. No. 17549-056

Respondent

F. B. I. And Fed. Grand Jury File This Motion

Motion for Court Order to Issue Ordering
Eugenia M. Carris - Assistant U.S. Attorney
to Legally Prove To The Court And To Respondent
Everything Stated in The Petition Dated July 30
2003, relating to the above entitled cause.
And To Further Prove That What Was Said in Said
Petition Does Not constitute a Conspiracy To
Kidnap Respondent By And Through A
judicial Process, Further That She Is Or Was
Not Part of That Conspiracy As Well
, Michael J. Sullivan - United States Attorney
And The Judge That Heard The Petition, Etc
And Committed Respondent on Nov. 17, 2003
Without Legal Reason and just cause,
having been given in court nor stated to
said, said in court nor in petitions, motions,
etc. relating to the above entitled cause.

Not with Legal proof shown and presented
to the court and to Respondent that the
Respondents State and Federal Charges and
convictions and sentences and commitments

*Joseph Marion Head Jr. - Plaintiff (vs) William Brown - Defendant
civil case number _____, U.S.D.C. Boston, Ma*

STATEMENT OF INDIGENCY

Request To Waver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, *Joseph Marion Head Jr.*, do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 19th day of December, 2004.

Name: *Joseph Marion Head Jr.*
Number: 17549-056
F.M.C. Devens, Unit: N-2 cell 219
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.



UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
JOHN JOSEPH MOAKLEY COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210



December 14, 2004

Mr. Joseph M. Head, Jr.
Reg. No. 17549-056
FMC Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

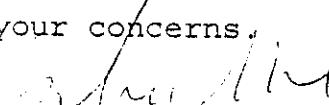
The Clerk received your correspondence seeking information on the three notices of appeal you recently filed.

The Court's records indicate that by Order dated November 30, 2004, Judge Stearns ordered the clerk to enter the Notices of Appeal in the following actions: (1) Head v. United States, et al., C.A. No. 04-40089-RGS; (2) Head v. Unknown Parties, et al., C.A. No. 04-40090-RGS; and (3) Head v. America, et al., C.A. No. 04-40103-RGS.

Enclosed please find courtesy copies of the docket sheets for these three cases and note that the docket for each case indicates the case is on appeal. After the district court transmits the files to the Court of Appeals for the First Circuit, you will be notified of the appeals court case numbers.

Finally, I am enclosing a copy of the December 8th Memorandum and Order issued by Judge Stearns in Head v. Winn, C.A. No. 04-40084-RGS. This order requires you to obtain approval of the Miscellaneous Business Docket Judge before filing any documents with this Court. In the future, if you wish to file any documents in the District of Massachusetts, the Memorandum and Order requires you to file a written petition accompanied by a copy of the December 8th Memorandum and Order together with the papers sought to be filed and a certification under oath that there is a good faith basis for their filing.

I hope that this letter addresses your concerns.


Barbara Morse
Pro Se Office

PS 5270.07
 CN 12 10/11/2000
 Chapter 4, Page 7

TABLE 3 (Cont'd)
HIGH CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted Community Programs and activities and Open Institutions (minimum) and from outside secure institutions-- <u>without</u> violence.	A. Recommend parole date rescission or retardation.
201	Fighting with another person	B. Forfeit earned statutory good time or non-vested good conduct time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended)
202	(Note to be used)	
203	Threatening <u>another</u> with bodily harm or any other offense	
204	Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing	B.1 Disallow ordinarily between 25 and 50% (14-27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
205	Engaging in sexual acts	
206	Making sexual proposals or threats to <u>another</u>	C. Disciplinary Transfer (recommend).
207	Wearing a disguise or a mask	D. Disciplinary segregation (up to 30 days).
208	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure	E. Make monetary restitution.
209	Adulteration of any food or drink	F. Withhold statutory good time]
210	(Not to be used)	
211	Possessing any officer's or staff clothing	

another - What or Who, Statute or
 code unconstitutional. Does not specify
 what

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH MARION HEAD,)
Petitioner,)
)
v.) C.A. No. 04-40084-RGS
)
DAVID L. WINN,)
Respondent.)

MEMORANDUM AND ORDER

By Order dated September 17, 2004, the court instructed the Clerk to docket no further filings submitted by Joseph Marion Head without the prior approval of the court. See 9/17/04 Order, Docket No. 5.

For the reasons set forth below, the Clerk is directed to return to petitioner the documents that were received for filing after the issuance of the court's September 17th Order.

DISCUSSION

Petitioner Joseph Marion Head is a federal prisoner¹ now confined to FMC Devens in Ayer, Massachusetts. Despite the issuance of an injunction on September 17th, Mr. Head has continued to submit documents for filing. Upon review of these submissions, the court finds the documents, save one

¹Petitioner is now serving a 360 month sentence that was imposed pursuant to his convictions on nine counts of mailing threatening communications in violation of 18 U.S.C. § 875. See United States v. Head, No. 98-cr-102-ALL (W.D. N.C. Sept. 12, 2001).

31

PART III - INVESTIGATION

22. DATE AND TIME INVESTIGATION BEGAN
5-20-03 0945

23. INMATE ADVISED OF RIGHT TO REMAIN SILENT: YOU ARE ADVISED OF YOUR RIGHT TO REMAIN SILENT AT ALL STAGES OF THE DISCIPLINARY PROCESS BUT ARE INFORMED THAT YOUR SILENCE MAY BE USED TO DRAW AN ADVERSE INFERENCE AGAINST YOU AT ANY STAGE OF THE INSTITUTIONAL DISCIPLINARY PROCESS. YOU ARE ALSO INFORMED THAT YOUR SILENCE ALONE MAY NOT BE USED TO SUPPORT A FINDING THAT YOU HAVE COMMITTED A PROHIBITED ACT.

S. Antley

5-20-03 0945

THE INMATE WAS ADVISED OF THE ABOVE RIGHT BY

AT (DATE/TIME)

24. INMATE STATEMENT AND ATTITUDE

a 5-20-03 at 0945 I advised inmate Head, Joseph Reg. no. 17549-056 of his rights as stated above. Head stated that he understood his rights and did not wish to make a statement.

mate displayed a good attitude.

25. OTHER FACTS ABOUT THE INCIDENT, STATEMENTS OF THOSE PERSONS PRESENT AT SCENE, DISPOSITION OF EVIDENCE, ETC.

mo from Officer Sullivan, attached.

is report was suspended on 5-20-03 pending mental health review.

-mail from Psychiatry Services stating Head is not competent for the disciplinary process, copy attached.

26. INVESTIGATOR'S COMMENTS AND CONCLUSIONS

use Stonionis adequately describes the prohibited act of threatening, code 203, in section 11 of this report supported by the statement from staff witness. Therefore it is the conclusion of this investigator that Head was appropriately charged. Based on information received from Psychiatry Services stating Head is not competent for the disciplinary process it is my conclusion Head should be found not competent.

27. ACTION TAKEN

This report will be sent to the UDC for further disposition.

DATE AND TIME INVESTIGATION COMPLETED: 5-20-03 1300

PRINTED NAME / SIGNATURE OF INVESTIGATOR:

S. Antley

PRINTED NAME

Signature

Lieutenant

TITLE

pleading concerning the denial of a petition for writ of certiorari by the Supreme Court of the United States, to be duplicative of the claims raised in Civil Action Nos. 04-40042-RGS and 04-40084-RGS. Because I find these documents to be duplicative and malicious under the authority of 28 U.S.C. § 1915A,² the court will direct the clerk to return these documents to Joseph Marion Head.

ORDER

Based upon the foregoing, it is hereby

ORDERED that in accordance with this Court's order dated September 17, 2004, the clerk shall return to Joseph Marion Head the documents submitted for filing since September 17, 2004; and it is further

ORDERED that petitioner Joseph Marion Head be precluded from filing any additional papers, claims, cases, files, complaints, or anything resembling those pleadings, or any other documents in the United States District Court for the District of Massachusetts, in any manner, way or form, without first obtaining the prior written approval of the Miscellaneous Business Docket Judge of the United States

² 28 U.S.C. § 1915A provides in pertinent part:

- (a) Screening.--The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a government entity.
- (b) Grounds for Dismissal.--On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--
 - (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
 - (2) seeks monetary relief from a defendant who is immune from such relief.

Incident Report

1105831

of Justice
of Prisons
NAME
INSTITUTION

FMC Devens

PART I - INCIDENT REPORT

2. NAME OF INMATE Head, Joseph	3. REGISTER NUMBER 17549-056	4. DATE OF INCIDENT 5-19-03	5. TIME 10:00 PM
6. PLACE OF INCIDENT N3 unit	7. ASSIGNMENT N/A	8. UNIT N-3	9. CODE 203
10. INCIDENT Threatening another with bodily harm.			

11. DESCRIPTION OF INCIDENT (Date: 5-19-03, Time: 10PM Staff became aware of incident)

On 5-19-03 at 10 PM, inmate Head, Joseph, 17549-056, who was in conversation with this writer and C.O. Sullivan, became agitated and stated "when the bomb goes off you will know who I am" "You will get yours" "if I saw you on the street you would be dead" and continued to be belligerent, was placed in his cell and locked in, Lt. Diamond notified.

12. SIGNATURE OF REPORTING EMPLOYEE C. Stonanini	DATE AND TIME 5-19-03 11:00 PM	13. NAME AND TITLE (Printed) C. Stonanini RN
14. INCIDENT REPORT DELIVERED TO ABOVE INMATE BY Anita	15. DATE INCIDENT REPORT DELIVERED 5/20/03	16. TIME INCIDENT REPORT DELIVERED 0945

PART II - COMMITTEE ACTION

17. COMMENTS OF INMATE TO COMMITTEE REGARDING ABOVE INCIDENT

A. IT IS THE FINDING OF THE COMMITTEE THAT YOU: COMMITTED THE FOLLOWING PROHIBITED ACT. DID NOT COMMIT A PROHIBITED ACT.	B. THE COMMITTEE IS REFERRING THE CHARGE(S) TO THE DHO FOR FURTHER HEARING. C. THE COMMITTEE ADVISED THE INMATE OF ITS FINDINGS AND OF THE RIGHT TO FILE AN APPEAL WITHIN 15 CALENDAR DAYS.
--	--

18. COMMITTEE ACTION AND/OR RECOMMENDATION IF REFERRED TO DHO (CONTINGENT UPON DHO FINDING INMATE COMMITTED PROHIBITED ACT)

and incompetent by the Chief of Psychiatry.

DATE AND TIME OF ACTION 5-23-03 0830 (THE UDC CHAIRMAN'S SIGNATURE NEXT TO HIS NAME CERTIFIES
I SAT ON THE UDC AND THAT THE COMPLETED REPORT ACCURATELY REFLECTS THE UDC PROCEEDINGS.)

a-Day/aj

K. C. Form

Member (Typed Name)

Consequently, this hearing - See U.S. Attorney, Sullivan - Make Related.

District Court for the District of Massachusetts; and it is further

ORDERED that if petitioner Joseph Marion Head undertakes to file any additional papers in this Court, he shall file a written petition seeking leave of court to do so. The petition must contain a copy of this Memorandum and Order, together with the papers sought to be filed, and a certification under oath that there is a good faith basis for their filing. The Clerk of Court shall accept the documents, mark them received, and forward them to the Miscellaneous Business Docket Judge for action on the petition; and it is further

ORDERED that petitioner Joseph Marion Head is advised that failure to comply with these requirements may result in the imposition of additional sanctions, including monetary fines.

SO ORDERED.

Dated at Boston, Massachusetts, this 8th day of December, 2004.

/s/ Richard G. Stearns
RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

To First Federal Court and First Judge and no Justice thereof, thereof
 See all, cases and court records relating to Head hereof, ORDE
 All Appropriate Crim., Civ. Tort. Domestic, S. S., VA., Relief
and Release Authorized By Law, Constitution, Etc. Rights.
 Stat. of North Carolina (v) Joseph Marion Head junior - 74CR2403 - 74CR2403A

Element of Consent

If the government failed to prove that the defendant did not have a reasonable grounds to believe that the complainant consented,
The jury must acquit the defendant, see, Davis v U.S. 613 A.2, 906
 , 908-912 (D.C. 1992)

That in 74CR2403 - 74CR2403A - The victim and defendant had consensual sexual relation in an agreement for sex of \$ 20.00 and a ride half way to the beach as the defendant did testify at his trials, but for some reasons which happened after sex The defendant would not keep his agreement for sex. The defendant testified that her guajohnnia stunk real bad and was big, as his reasons for not keeping his agreement for sex with her. Prior to probable cause hearing and first trial and each trial, the defendant told the police and others that he had sex with her as aforesaid, etc. afraid and the police, etc., made no attempt to collect evidence etc. favorable to the defendant which would have proved the defendant told the truth about her guajohnnia stunk real bad and was big to him all of which could have been proven by medical test and testimony from doctors who examined her on April 15th, 1994

The alleged victim made statements to the police that,
(I'll do or say anything to convict him - anything it takes - whatever is necessary, whether it is true or not)
 The government cannot and could not legally shift the burden of proof on to the defendant to prove
 that she consented to sex and that his reasons for not paying her was true.

Further see, State v Whitmore 1969 which requires proof of penetration of the sex organ as is necessary for a legal and valid conviction.
 Defendants Confession was inadmissible for he did not was his right to counsel same as in 73CR5057.

Head Pro Se Demands One Billion Dollars Tax Free And Release

Inmate Head Did Not Consent To Transfer &
F.C.I. Beckley To F.M.C. Danvers.

Our to being transferred from F.C.I. Beckley to F.M.C. Danvers
Inmate Head in written form and oral, objecting to being
transferred and further has petitioned, etc pending on the
U.S. D. Ct. Beckley W.D. See Court Records and Petitions
of Warden, Williams and inmate Captain manager as to
the appeal. The Transfer was illegal and unauthorized
Kidnapping inmate Head. 18 U.S.C. 1201 U.S. Const. Amend.
4, 5, 14 U.S.C. 1863(d), 42 U.S.C. 1983, etc..

Judith Marion Head Junior

12549-056

Cell 214

Med. Med. Center Demers
First Officer Box 879

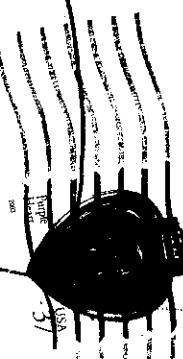
1st Officer Box 879

1st Officer Box 879
Boston, Ma. 01432
Re: Richard H. Beauchamp (Judge)
United States District Court
United States District Court
Suite 2300

N.C.G.S. 17-8
15A-954(a) 1tc 10

~~SEARCHED~~
~~INDEXED~~
~~MAILED~~
Dec 10 2004

Legal Mail



as legally applies relating hereto. N.C.G.S. 17-8, 17-10, 17-17, 17-21, 15A-954(a) 1 through 10, 15A-1415A-B-1, 2, 3, 4, 6, 7, 8.

Background of Movant And Movants Criminal, Civil, Domestic, Tort, S. S., Va. Cases And Etc. Relating Thereto To Exclude All Criminal And Civil Commitments And Etc. Relating Thereto. All To Be Stated By The Court In Its Findings of Facts And Records Relating Thereto, With An Opinion, Judgment, Order of The Court Relating To All of Same And all Persons, Places, Things Relating To Same And as To The Competence of Each Relating To The Aforesaid. Relating To The Rules of Law - Convictions of And By Uncompetent Persons Violates Due Process United States Constitution Amendment 5 and 14, North Carolina Constitution Article 1 Sec. 19. Strickland v Washington, Ineffective counsel because incompetent or what And How, Why?

The Court Orders The Federal Courts To Conduct alike Competence Hearing Relating To The Competence of Each Person Relating To Head's State And Federal Court Cases, Etc. Relating To Head. Due Process And Equal Protection of Law, Etc. Requires, Entitles The Aforesaid To Be Legally Ordered Hereto. Signed Joseph Marion Head junior, 17549-056

December 25th 2004

U.S. Coast. Ameno 1, 415, 615, 7145, 15A-954(a)
 N.C.G.S. 17-8, 17-10, 17-17, 17-21, 15A-954(a)
 15A-1415(B) 1, 2, 3, 7, 8

If the government failed to prove that the defendant did not have reasonable grounds to believe that the complainant consented, the jury must acquit. See *Davis v. U.S.*, 613 A.2d 906, 908-912 (D.C. 1992); see *State v. Head* 174 CR 2403

The alleged victim and defendant engaged in consensual sexual relations, in an agreement for sex of \$20.00 and a ride half way to the beach, as the defendant did testify. But for something which happen after sex, the defendant would not keep his agreement for sex. Defendants reasons for not keeping his agreement for sex was, her puajohasna stunk real bad and was big.

When arrested and thereafter prior to trial and prior to probable cause, the defendant told the police and others the aforesaid several times.

The Government made no attempt to collect evidence, etc. as to the aforesaid. Had no test made on the victim nor defendant.

Had no medical evidence and proof that the defendant did not tell the truth when he said the aforesaid.

The alleged victim had made statements to the police, doctors and others, that I'll do or say anything to convict him, whatever it takes, Whatever is necessary, Whether it is true or not.

The Government cannot shift the burden of proof on to the defendant to prove she did consent to what defendant believed to be legal consent at the time she consented.

State of North Carolina
County of Rutherford

In The General Court of Justice
Superior Court Division
Re: 74CR2403 - 74CR2403A

State of North Carolina
v/s

Joseph Marion Head Jr.
Defendant

And
All Matters Relating Thereto,
Past, Present, Hereinafter

Motion For An In Court
Evidentiary Hearing To Determine
And Adjudge The Competence of
Movant, Prior, Present, Etc. At
And Relating To Each, Matter, Process,
Etc. Relating To Each of Movants
State and Federal Court Cases.

To The Honorable Presiding and Resident Judge For the
Superior Court of Rutherford County, North Carolina.

Attention: District Attorney For The 24th Judicial District of N. C.

Comes now, Joseph Marion Head Jr., Reg. Number 175
49-056 who pro se respectfully moves the court for
a competence hearing as related hereinabove pursuant
to the provisions of law and constitution which applies
and may be applied, to exclude the rule of law
that a conviction of an incompetent person,
violates the due process rights of that person.
See, Robinson 383 U.S. at 378, Dusky 420 U.S. at 172,
Medina v California 505 U.S. 437, 449 (1992) Cooper
v Oklahoma, 146 S. Ct. 1373 (1996) Riggins v Nevada
504 U.S. 127, 134 (1992), Dusky v United States 362 U.S.
402 (1960) United States Constitution Amendments
1, 4, 5, 6, 8, 9, 14 as applies hereto as well North
Carolina Constitution Article 1 sec. 19, 22, 23, 27, Etc.